



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

ALASKA COMMISSION ON AGING

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March 9, 2017

Senator Shelley Hughes
Alaska State Capitol, Room 125
Juneau, AK 99801-1182

Subject: Support for SB 16, Fiduciary Access to Digital Assets

Dear Senator Hughes:

The Alaska Commission on Aging (ACoA) is pleased to offer our support for SB 16, a bill authored by you, that would update Alaska's current law to provide a means for the management and disposition of a person's digital legacy by their designated fiduciary. Based on our understanding, SB 16 is in alignment with the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) of 2015, as promulgated by the Uniform Law Commission, which would make Alaska's statute interstate-compatible and provide legal authority to fiduciaries to manage digital assets in the same manner as tangible property. Moreover, the RUFADAA allows owners of digital assets to specify how they would like their assets to be managed by their fiduciaries – identifying what items to preserve, distribute to heirs, and to be destroyed.

Due to technological advances and the increasing number of Internet users, the accumulation of personal digital assets is becoming more commonplace. These assets often include a wide array of personal digital files such as emails, photos, personal documents as well as digital accounts used for financial, business, social media, retail shopping and other on-line applications. Seniors are increasingly becoming on-line users by necessity as well as for pleasure. For example, the federal government now encourages individuals to apply on-line for Social Security, Medicare, and Medicaid benefits and to electronically submit tax returns. Many financial institutions are going paperless and promote on-line banking. In addition, a growing number of seniors use the Internet to connect with family and friends, share photos, and to shop on-line for lower-priced goods and services. Reportedly, the fastest-growing demographic of Facebook users are women between the ages of 50 to 70 years old.

While the majority of adult Internet users presumably would want their loved ones to have access to their digital assets upon their death or in situations when they become incapacitated and unable to make decisions themselves, it is difficult for fiduciaries to gain access to those assets based on current state law. While providing account passwords to a trusted person may provide access to digital content, that strategy would not necessarily grant the trusted person legal authority to access and manipulate the accounts of a deceased or incapacitated person in a court of law without undue hardship and court expense.

The legal landscape can be challenging for fiduciaries, especially when it comes to managing the estates of persons with digital assets. The Commission supports SB 16 and appreciates your leadership on this legislation to modernize fiduciary law in Alaska.

Sincerely,

Handwritten signature of David A. Blacketer in blue ink.

David A. Blacketer
Chair, Alaska Commission on Aging

Sincerely,

Handwritten signature of Denise Daniello in blue ink.

Denise Daniello
ACoA Executive Director